

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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BROOKLYN HEIGHTS ASSOCIATION, INC., BY
ITS PRESIDENT JANE MCGROARTY,

FULTON FERRY LANDING ASSOCIATION, BY
ITS PRESIDENT JOAN ZIMMERMAN, and

THE NEW YORK LANDMARKS CONSERVANCY,

Plaintiffs,

- vs -

NATIONAL PARK SERVICE,

KENNETH SALAZAR,
Secretary of the U.S. Department of the Interior, and

BROOKLYN BRIDGE PARK DEVELOPMENT
CORPORATION,

Defendants.
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11-CV-0226 (ENV)

**DECLARATION OF JANE MCGROARTY IN SUPPORT OF MOTION FOR
PRELIMINARY INJUNCTION**

I, Jane McGroarty, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am the President of Plaintiff Brooklyn Heights Association (“BHA”), a non-profit corporation established in 1910 and chartered in the State of New York with a mission to maintain and improve the community of Brooklyn Heights. Membership of the BHA predominantly consists of residents of the Brooklyn Heights community who enjoy and depend on the Fulton Ferry Park and the Tobacco Warehouse for the environmental, health and recreational benefits that it provides to Brooklyn and its residents. The BHA opposes the illegal taking of public parkland in Brooklyn for private benefit, particularly after the community has

consistently fought to preserve the historic character of the Fulton Ferry Park and its constituent structures – including the Tobacco Warehouse and Empire Stores – for over fifty years. I submit this declaration in support of Plaintiffs’ motion for a preliminary injunction. I have personal knowledge of the facts set forth in this declaration.

2. The Tobacco Warehouse, originally built in the 1870’s, is located within Empire-Fulton Ferry State Park just north of the Brooklyn Bridge, and is part of the greater Brooklyn Bridge Park. In the 19th Century, the Tobacco Warehouse was used a tobacco storage and customs-inspection center. Today, it is a walled-yet outdoor structure, offering 25,000 square feet of outdoor space, which includes an 18,000 square-foot, column-free footprint.

3. Until it was recently gated off from the public, the Tobacco Warehouse was a popular destination for public and outdoor recreational activities and has hosted dozens of community and arts events. With the Brooklyn Bridge looming overhead, the Tobacco Warehouse is a unique outdoor venue that offers breathtaking views of the Manhattan skyline.

4. Beginning in the mid-1960’s, BHA, along with numerous other organizations and individuals, began a decades-long campaign to protect the historic Fulton Ferry Landing area as a public park. However, after BHA’s efforts in the 1960’s, years of neglect still lay ahead for the Tobacco Warehouse. Weeds and trees sprouted inside the structure as it lay effectively abandoned. And in the 1980’s, it was a fire that caused the Tobacco Warehouse’s roof to collapse, leaving only the exterior walls and one main internal wall standing.

5. In May 199, a private developer introduced a plan titled *Plan for the D.U.M.B.O. Waterfront*, seeking to privatize the inter-bridge area of D.U.M.B.O., including the Empire Stores and the Tobacco Warehouse. See Declaration of Jim Walden, dated March 8, 2011, Ex. A.

6. BHA, along with other community members and organizations, opposed this development plan. Thus, BHA, this time in coordination with New York Landmarks Conservancy (and the Brooklyn Bridge Park Coalition) convinced the New York City Buildings Department and the New York State Office of Parks, Recreation and Historic Preservation (“State Parks”) to abandon demolition.

7. By October 1999, New York City had agreed to include the area between the Brooklyn and Manhattan Bridges, including the Tobacco Warehouse and Empire Stores, in its plans for Brooklyn Bridge Park.

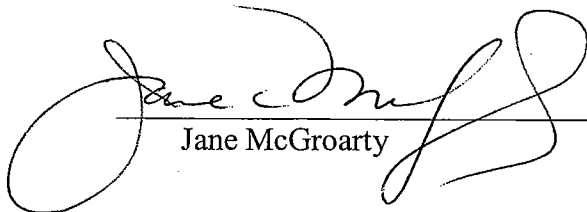
8. Freedom of Information (“FOI”) requests by a community member have revealed that beginning in October 2008, State Parks had numerous communications with private commercial interests regarding private development of the Tobacco Warehouse. They also revealed a secret application from State Parks to the National Park Service (“NPS”) requesting to remove the Tobacco Warehouse from federal parkland protection.

9. I, on behalf of the BHA, became aware of the secret letter exchange between State Parks and private interests and of the State Parks’ application to the NPS only in May 2010, when a community member disclosed the documents produced as a result of the FOIA requests.

Sworn to before me this
March 8, 2011


NOTARY PUBLIC

KAMAL P. SONI
Notary Public, State of New York
No. 01SO6089949
Qualified in Kings County
Commission Expires March 31, 2011


Jane McGroarty